

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
(Docket No. 138065UL (MHM 15115US01))**

In the Application of:

Mathew

**Electronically Filed on April 17, 2007**

Serial No.: 10/681,634

Filed: October 8, 2003

For: BIOMETRICALLY ENABLED  
IMAGING SYSTEM

Art Unit: 3737

Examiner: Ramirez, John Fernando

Confirmation No. 6101

**PRE APPEAL BRIEF REQUEST FOR REVIEW**

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

The Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reasons stated on the attached sheets

Respectfully submitted,

Date: April 17, 2007

By: /Joseph M. Butscher/

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## **REMARKS**

The present application included pending claims 1-27, all of which were rejected. Claims 1 and 10 were amended, while claims 2, 3, 11, 12, and 15 were canceled without prejudice or disclaimer.

### **I. The Claim Amendments Do Not Raise Any New Issue**

The Advisory Action indicates that the amendments supposedly “raise new issues,” and therefore would “not be entered.” *See* April 11, 2007 Advisory Action. However, these claim amendments do not raise any new issue because they represent previously pending dependent claims that are incorporated into the text of the pending independent claims. *See* March 20, 2007 Amendment at pages 9, and *compare*, e.g., previously pending claims 2 and 3 at page 2 of November 14, 2006 Amendment with claim 1 at page 2 of March 20, 2007 Amendment. In particular, claim 1 has been amended to recite all the limitations of previously pending claim 3, while claim 10 has been amended to recite the limitations of previously pending claim 15. Claims 2, 3, 11, 12, and 15 were **all** previously examined. *See*, e.g., February 21, 2007 Office Action. Thus, the claim amendments **cannot** raise any new issue. The Applicant, therefore, requests that these claim amendments be entered.

### **II. The Claims Are Allowable In All Respects**

Claims 1, 4, 6, 8-12, 16, 18, 19, and 23 stood rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent No. 6,129,671 (“Hastings”). Claims 24 and 27 stand rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent 6,587,830 (“Singer”). Claims 2-3, 5, 7, 13-15, 17, 20-22, and 25-26 stood rejected under 35 U.S.C. 103(a) as being unpatentable over Hastings in view of United States Patent No. 5,930,804 (“Yu”), United States Patent No. 6,260,021 (“Wong”), and United States Patent No. 5,315,999 (“Kinicki”).

Because claim 1 has been amended to recite the limitations of previously pending claims 2 and 3, and claim 10 has been amended to recite the limitations of previously pending claims 11, 12, and 15, the Applicant submits that the rejections are now as follows: Claims 19 and 23 stand rejected under 35 U.S.C. 102(b) as being anticipated by

Hastings. Claims 24 and 27 stand rejected under 35 U.S.C. 102(b) as being anticipated by Singer. Claims 1, 4-10, 13-14, 18, 20-22, and 24-26 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Hastings in view of Yu, Wong, and Kinicki. The Applicant respectfully traverses these rejections for at least the following reasons:

**A. Hastings Does Not Anticipate Claims 19 And 23**

Hastings does not anticipate claims 19 and 23. *See* March 20, 2007 Amendment at pages 10-11. Hastings does not describe, teach, or suggest “registering to use the medial imaging system, said registering comprising: (i) inputting a biometric identifier into a biometric authorization unit; (ii) inputting personal information into the medical imaging system; and (iii) **associating biometric data extracted from the biometric identifier with the personal information,**” as recited in claim 19. *See id.* Nor has the Office Action attempted to point out where in Hastings such limitations are found. *See* February 21, 2007 Office Action at pages 2-3. Thus, for at least these reasons, the Applicant respectfully submits that the Office Action has not established a *prima facie* case of anticipation with respect to claims 19 and 23.

**B. Singer Does Not Anticipate Claims 24 And 27**

Singer does not anticipate claims 24 and 27. *See* March 20, 2007 Amendment at pages 11-14. Singer, in short, discloses an apparatus and method that “key[s] off of key medical terms used by a physician or other medial personnel such as in free, unprompted, and unstructured dictation...” in order to “provide freedom for the physician to talk, speak, and dictate according to the physician’s personal preferences, style, language, vocabulary, tone, and other desires when forming a medical record.” *See id.*

While Singer discloses “biometric identifiers,” Singer does not describe, teach, or suggest that such biometric identifiers are used with respect to “registering to use the audio/video equipment,” or “enabling audio/video use of the audio/video equipment when biometric data input after said registering matches the stored biometric data.” *See id.* Singer discloses “biometric identifying means,” but such means are only used “for learning speech terms used by identified medical personal and/or speech pattern learning means.” *See id.*

Singer does not describe, teach, or suggest, however, “registering to use the audio/video equipment by inputting biometric data;... and enabling audio/video use of the audio/video equipment when biometric data input after said registering matches the stored biometric data,” such as recited in claim 24. *See id.* Thus, for at least these reasons, the Office Action has not established a *prima facie* case of anticipation with respect to claims 24 and 27. *See id.*

Additionally, the cited portion of Singer relied on by the Office Action merely discloses examples of “voice recorders,” but does not describe, teach, or suggest a “television, camera, CD player, DVD player, and car stereo.” *See id.* at page 14. Thus, for at least this additional reason, the Office Action has not established a *prima facie* case of anticipation with respect to claim 27. *See id.*

### **C. The Proposed Combinations Does Not Render Claims 1, 4-10, 13-14, 18, 20-22, And 24-26 Unpatentable**

None of Hastings, Yu, Wong, or Kinicki, alone or in combination with one another, teaches or suggests “wherein user preference information is associated with the stored biometric data and with the personal identification information,” as recited in claim 1, as amended, or “wherein personal identification information and user preference information is associated with the stored biometric data,” as recited in claim 10, as amended. *See id.* at pages 15-17. Thus, for at least these reasons, the Office Action has not established a *prima facie* case of obviousness with respect to claims 1, 4-10, 13-14, 18, and 20-22. *See id.*

Additionally, the Office Action has not established a *prima facie* case of obviousness with respect to claims 24-26 for at least the reasons discussed above with respect to Singer.

Nor has the Office Action shown where any of the references disclose “**allowing said registering step** by inputting a password,” as recited in claim 21. *See* February 21, 2007 Office Action at page 7. Thus, for at least this reason, the Office Action has not established a *prima facie* case of obviousness with respect to claim 21.

Further, the Office Action does not articulate a proper motivation to combine the references. *See* March 20, 2007 Amendment at pages 17-19.

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Amendment Under 37 C.F.R. § 1.116  
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### **III. Conclusion**

The Applicant respectfully submits that the pending claims of the present application should be in condition for allowance for at least the reasons discussed above. The Commissioner is authorized to charge any necessary fees, including the \$500 fee for the Notice of Appeal, or credit any overpayment to the Deposit Account No. 50-2401.

Date: April 17, 2007

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